

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	8:05CR128
Plaintiff,)	
)	
vs.)	ORDER
)	
MACHELLE D. MAGERS,)	
)	
Defendant.)	

This matter is before the court on the motions for an extension of time by defendant Machelles D. Magers (Magers) (Filing No. 9). Magers seeks an extension of time in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 7). Defense counsel represents to the court that counsel for the government has no objection to the extension. Defense counsel represents that Magers will submit an affidavit in accordance with paragraph 9 of the progression order whereby Magers consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Magers's motion for an extension of time (Filing No. 9) is granted. Defendant's Speedy Trial Affidavit shall be filed forthwith. Defendant Magers is given until **on or before May 16, 2005**, in which to file pretrial motions pursuant to the progression order (Filing No. 7). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 20, 2005 and May 16, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The tentative setting of an evidentiary hearing for 1:30 p.m. on May 6, 2005, is **canceled** and will be re-scheduled in the event any pretrial motions are filed in accordance with this order.

DATED this 20th day of April, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge